IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA
WRIT PETITION NO : 12882 of 1993

Between:
N.Rajkumar, S/o Meenaiah,
Age 28Yrs., R/oH.No.c-60,B-Zone,
Ramakrishnapur(PO),
Mandamarri Mandal,
Adliabad District.

..... PETITIONER

AND

1. Andhra Pradesh State Housing Corporation,
   Hyderabad, rep.by its Managing Director,
   Hyderabad.
2. District Collector and Executive Director,
   A.P.State Housing Corporation Limited,
   Adilabad.
2. 3. District Manager, A.P.State Housing Corporation Ltd.,
   Adilabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of writ of Mandamus declaring the action of the respondents in terminating the services of the petitioner after extracting work from him by giving artificial breaks and refusing to engage him inspite of availability of sufficient work, thereby depriving him of the regularization of his services and regular scales of pay on par with regular employees as wholly illegal, arbitrary and violative of Articles 14,16 and 21 of the Constitution of India

Counsel for the Petitioner: MR.M.PANDURANGA RAO

Counsel for the Respondent No.: MR.V.CH.NAIDU (SC FOR AP HOUSING CORP.)

The Court Made the Following :

ORDER:

The petitioner, who is working as NMR in the third respondent corporation filed this writ petition seeking a writ of Mandamus declaring the action of the respondents in terminating his services after extracting work from him by giving artificial breaks and refusing to engage him in spite of availability of sufficient work, thereby depriving him the regularization of his services as violative of Articles14, 16and 21 of the Constitution of India.

The facts are that the petitioner passed I.T.I (Draughtsman Civil) and he was appointed as Work Inspector on 01.12.1987 in the respondent-corporation and ever since, he was working as such. However, the respondents were giving breaks to show that he was never in continuous employment. When the respondents were not allowing him to continuously work and issuing artificial breaks, he approached this Court and filed this writ petition in the year 1993 and this Court by its interim order, dated 03.03.1994, directed the respondents to continue the petitioner in service, provided that there is work. Pursuant to the said interim order, the petitioner is allowed to continue in the respondent-corporation without any breaks.

Learned Standing counsel for the respondents filed a detailed counter.

Heard both sides.

From a perusal of the record, it is clear that the petitioner was appointed as early as in the year 1987 and even now also he is working only on NMR basis. From the fact that the petitioner was allowed by the respondent-corporation to continue in service, pursuant to the interim order, it is clear that there is sufficient work in the respondent-corporation.

In view of the fact that there is sufficient work in the respondent-corporation and the petitioner is working for the last more than 17 years, I deem it appropriate to direct the respondents to continue the petitioner in service and also further direct them to consider his case for regularization.

With the above directions, the writ petition is disposed of. No order as to costs.

24-06-2004
klp

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

To

1. The Managing Director,Andhra Pradesh State Housing Corporation, Hyderabad,
2. District Collector and Executive Director, A.P.State Housing Corporation Limited, Adilabad.
3. District Manager, A.P.State Housing Corporation Ltd., Adilabad.
4. Two C.Ds.